

**FILED**  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

★ JUN 06 2014 ★

BROOKLYN OFFICE

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**UNITED STATES SECURITIES AND EXCHANGE  
COMMISSION,**

13 MC 683 (SLT)

Petitioner – Judgment Creditor,

- against -

**ANTHONY T. VICIDOMINE and  
NORTH EAST CAPITAL, LLC,**

Respondents – Judgment Debtors.

**APRILE OSBORNE, CHAD OSBORNE, and ACTS  
REAL ESTATE SERVICES, INC.,**

Garnishees.

**STIPULATION AND ORDER  
MODIFYING RESTRAINING NOTICES TO  
APRILE OSBORNE, CHAD OSBORNE, AND  
ACTS REAL ESTATE SERVICES, INC.  
(FED. R. CIV. P. 69(a) AND NY CPLR 5222)**

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned, as follows:

1. On September 17, 2013, the United States District Court for the Eastern District of New York, in a certain action, Docket No. 13 MC 683 (SLT), between the Securities and Exchange Commission, as petitioner, and Anthony T. Vicidomine and North East Capital, LLC, as respondents, who are all the parties named in the action, entered an order in favor of the Securities and Exchange Commission, judgment creditor, and against Anthony T. Vicidomine, jointly and severally with North East Capital, LLC, for disgorgement of \$189,415.00, prejudgment interest of \$6,717.04, and additional interest of \$457.54, for a total of \$196,589.58, together with interest pursuant to 28 U.S.C. § 1961 at the rate of 0.15% a year (the "Judgment")

(Dkt. No. 7).

2. On October 3, 2013, the Securities and Exchange Commission served restraining notices pursuant to Rule 69(a) of the Federal Rules of Civil Procedure and New York Civil Practice Law and Rules 5222 on the garnishees Aprile Osborne (Dkt. No. 14), Chad Osborne (Dkt. No. 15), and Acts Real Estate Services, Inc. (Dkt. No. 16).

3. The judgment debtor Anthony T. Vicidomine in this action is the plaintiff in an action pending in the United States District Court for the Middle District of Florida, Docket Number 2:13-cv-407-FtM, against the garnishees Chad Osborne, Aprile Osborne, and ACTS Real Estate Services, Inc. (the "Florida Lawsuit"), and the parties to the Florida Lawsuit have reached a voluntary settlement thereof as permitted by the Securities and Exchange Commission.

4. The judgment creditor Securities and Exchange Commission and the judgment debtors Anthony T. Vicidomine and Northeast Capital, LLC, have agreed upon a payment plan, which calls for payment in full of the Judgment by May 31, 2014, and the outstanding balance due is \$30,000.00, plus any accrued interest pursuant to 28 U.S.C. § 1961.

5. In light of the foregoing, the restraining notices heretofore served upon the garnishees Chad Osborne, Aprile Osborne, and ACTS Real Estate Services, Inc. are modified to provide that, until the Securities and Exchange Commission notifies the garnishees in writing, , the garnishees' first payment due pursuant to the settlement of the Florida Lawsuit in the amount of \$30,000.00, will be paid to the Securities and Exchange Commission pursuant to the terms hereof, and be credited to the amounts due from the judgment debtors Anthony T. Vicidomine and Northeast Capital, LLC to the Securities and Exchange Commission.

6. Upon such payment being made to the judgment creditor Securities and Exchange Commission, then the garnishees Chad Osborne, Aprile Osborne, and ACTS Real Estate

Services, Inc. shall have no further liability pursuant to the restraining notices referenced under paragraph 2 above, and the same shall be deemed to be fully satisfied and of no further effect.

7. Garnishees will send the aforementioned payment to the following address:

Enterprise Services Center  
Accounts Receivable Branch  
6500 South MacArthur Boulevard  
Oklahoma City, OK 73169.

Garnishees will make such payment pursuant to the settlement of the Florida Lawsuit by check payable to the Securities and Exchange Commission with a cover letter identifying Anthony T. Vicidomine as the respondent and giving the name and docket number of this action, and with a copy of the cover letter and check sent to:

John J. Graubard, Senior Attorney  
Securities and Exchange Commission  
New York Regional Office  
200 Vesey Street, Room 400  
New York, NY 10281-1022

and to

Theodore L. Tripp Jr.  
Hahn Loeser & Parks LLP  
2400 First Street, Suite 300  
Fort Myers, Florida 33901.

8. Payments received from the garnishees shall be credited as payments made by the judgment debtor Anthony T. Vicidomine, and shall reduce the amount due from him when received. The modification of the restraining notices shall not affect in any manner the right of the judgment creditor to obtain collection of the full amount due from the judgment debtors Anthony T. Vicidomine and Northeast Capital, LLC, or be deemed to constitute a new payment plan for amounts due from them.

9. The foregoing represents the entire agreement of the judgment creditor Securities

and Exchange Commission, the judgment debtor Anthony T. Vicidomine, and the garnishees Chad Osborne, Aprile Osborne, and ACTS Real Estate Services, Inc concerning the subject matter hereof. There have been no promises or representations made by the judgment creditor Securities and Exchange Commission, the judgment debtor Anthony T. Vicidomine, and the garnishees Chad Osborne, Aprile Osborne, and ACTS Real Estate Services, Inc. to induce any other party to execute this stipulation except as contained herein.

Dated: May \_\_, 2014

Dated: May \_\_, 2014

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JOHN J. GRAUBARD, ESQ.  
Attorney for Securities and Exchange  
Commission

\_\_\_\_\_  
ANTHONY T. VICIDOMINE

Dated: May 20, 2014

Dated: May 20, 2014

ACTS REAL ESTATE SERVICES, INC.

BY:   
ITS: President

  
APRILE OSBORNE.

Dated: May 20, 2014

  
CHAD OSBORNE

SO ORDERED:

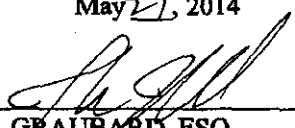
June 2  
~~May~~ 2014

s/Sandra L. Townes

/UNITED STATES DISTRICT JUDGE

and Exchange Commission, the judgment debtor Anthony T. Vicidomine, and the garnishees Chad Osborne, Aprile Osborne, and ACTS Real Estate Services, Inc concerning the subject matter hereof. There have been no promises or representations made by the judgment creditor Securities and Exchange Commission, the judgment debtor Anthony T. Vicidomine, and the garnishees Chad Osborne, Aprile Osborne, and ACTS Real Estate Services, Inc. to induce any other party to execute this stipulation except as contained herein.

Dated: May 27, 2014

  
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JOHN J. GRAUBARD, ESQ.  
Attorney for Securities and Exchange  
Commission

Dated: May 21, 2014

  
\_\_\_\_\_  
ANTHONY T. VICIDOMINE

Dated: May \_\_, 2014

ACTS REAL ESTATE SERVICES, INC.

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

Dated: May \_\_, 2014

\_\_\_\_\_  
CHAD OSBORNE

SO ORDERED:

May \_\_, 2014

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Dated: May \_\_, 2014

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APRILE OSBORNE.